



## State Water Resources Control Board

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### FOR IMMEDIATE RELEASE

February 10, 2009

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### City of Stockton Assessed \$2.4 million for Water Code Violations

The State Water Resources Control Board has issued a civil liability assessment of \$2.425 million against the City of Stockton for violations of the State Water Code involving the illegal discharge of 8.7 million gallons of partially-treated, un-disinfected effluent to the San Joaquin River from the city's wastewater treatment plant (WWTP).

The enforcement action will facilitate increased staffing levels at the WWTP, resulting in more oversight and enhanced compliance with the city's National Pollutant Discharge Elimination System (NPDES) permit. In addition, the penalty will result in a third party auditor reviewing the plant's operations over the next three years. Finally, \$350,000 of the penalty will be deposited into the State Water Board's Cleanup and Abatement Account (CAA), and will be allocated by the board to pay for projects that cleanup or abate waste where there is not an otherwise viable responsible party available to do the work. The primary goal of the action is to compel the city to fundamentally change its operations to ensure compliance and protect water quality, rather than to simply assess penalties.

At the time of the violation, the plant was operated by a private entity, OMI-Thames Water Stockton, Inc., under contract with the city. However, the Water Board may only impose penalties to the permittee, which is the City of Stockton. The city has since ended its contract with OMI-Thames Water Stockton, Inc.

The discharge, which violated the city's NPDES permit, occurred on June 16, 2006, and went on for 10 hours, from 8:30 a.m. until 6:30 p.m. The discharge was caused by an open effluent diversion gate located near the WWTP's outfall.

The diversion gate is designed to recycle water through the WWTP when it becomes necessary to stop the flow of effluent to the river. Because of a malfunction of a newly installed automated gate system, a diversion gate opened and allowed secondary effluent to mix with fully treated effluent before being discharged.

The Central Valley Regional Water Quality Control Board referred the incident to the State Water Board for investigation. The Water Board's Office of Enforcement concluded that, while the direct cause of the discharge was the improper wiring of the diversion gate, the magnitude of the discharge – 8.7 million gallons – was exacerbated by inadequate staffing, poor preventive and corrective maintenance, and insufficient WWTP staff training on the installation and operation of the diversion gate. In addition, the investigation revealed that the gate was not fully tested, and alarms that were originally designed to be installed were not installed.

The maximum permissible penalty for the permit violation is \$87 million. In determining the \$2.425 million penalty the Water Board noted that the illegal discharge did not violate the city's water quality effluent limits.

The City of Stockton has agreed to increase the number of staff at the WWTP. The city spent in excess of \$1 million to pay for increased staffing in 2008 and has agreed to spend at least an additional \$1 million in staffing increases over the next several years.

The allocation of the civil penalty is as follows:

- \$1 million in credit for costs of staffing increases incurred by the city, subject to the city showing that the staffing increases were not contemplated before initiation of the enforcement action, and are not otherwise required by law;
- \$1 million in credit for staffing increases to be incurred by the city over the next three years under the same conditions noted above;
- \$75,000 to be spent by the city on retaining a neutral third party to review the city's plant operations and optimization efforts on an annual basis for three years following execution of the settlement agreement and submit reports on its findings to the State and Regional Water Boards, and
- \$350,000 in paid civil liability to the CAA.

